

FILED  
U.S. DISTRICT COURT

2013 NOV -5 2:43

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

KAREN MEMMOTT,  
Plaintiff,

vs.

UNITED OF OMAHA LIFE INSURANCE  
CO.,  
Defendant.

ORDER ADOPTING REPORT  
AND RECOMMENDATION

Case No. 1:13-CV-25

Judge Dee Benson

Before the court is the Report and Recommendation issued by United States Magistrate Judge Evelyn J. Furse, recommending: (1) that the court construe Plaintiff's First Amended Complaint as one to recover benefits pursuant to 29 U.S.C. § 1132(a)(1)(B); (2) that the court also construe Plaintiff's First Amended Complaint as one requesting declaratory judgment pursuant to 29 U.S.C. § 1132(a)(1)(B); and (3) that the court order that Defendant have twenty-one (21) days to answer Plaintiff's First Amended Complaint as construed as suggested above.

The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. Neither party has filed such an objection.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the court ADOPTS the Report and Recommendation.

Accordingly, the court hereby ORDERS follows:

1. Plaintiff's Amended Complaint shall be construed as one to recover benefits pursuant to 29 U.S.C. § 1132(a)(1)(B);
2. Plaintiff's Amended Complaint shall also be construed as one requesting declaratory judgment pursuant to 29 U.S.C. § 1132(a)(1)(B);
3. Defendant shall have twenty-one (21) days from the date of this order to answer Plaintiff's First Amended Complaint as construed as suggested above;

DATED this 1<sup>st</sup> day of November, 2013.

A handwritten signature in black ink, reading "Dee Benson", written over a horizontal line.

Dee Benson  
United States District Judge